

REMARKS

New claims 31-49 find antecedents in claims 13-30 and in the specification and original claims as follows.

Claim 31

Claim 31 is derived from cancelled claim 16 amended by the addition of clarifying terms “around the site of injection” from page 1, first paragraph, last sentence of the specification; “as a bolus intravenous injection or as an intravenous infusion” from page 7, line 2 and also from example 1; and “at the injection site” from page 7, line 18 in the summary of invention, first paragraph. The concentration range of propofol is specified by addition of a lower limit “1%” identified in cancelled claim 1 of the original filed application. The concentration of the pharmaceutically acceptable water-soluble polyhydroxy tonicity modifier is clarified by addition of the term “in a quantity sufficient to render the final composition isotonic with blood” from the specification on page 9, line 19 in the 5th paragraph under the heading “Composition.”

Claim 32

Claim 32 is derived from cancelled claim 17, amended to depend now on claim 31 rather than on claim 16. The dependency of claim 32 on claim 31 parallels that of claim 17 on 16.

Claim 33

Claim 33 is derived from cancelled claim 18, amended to depend now on claim 31 rather than on claim 16. The dependency of claim 33 on claim 31 parallels that of claim 18 on 16.

Claim 34

Claim 34 is derived from cancelled claim claim19, amended to depend now on claim 31 rather than on claim 16. The dependency of claim 34 on claim 31 parallels that of claim 19 on 16. The range of viscosity has been amended from 0.8-15 centipoise to the correct range of 1.5-8 centipoise whose antecedent is found in the specification on page 10, line 13 in the paragraph before the heading “Method.” The range 0.8 to 15 centipoise is the result of a transcription or typographical error made in the correct range of 1.5 to 8 centipoise.

Claim 35

Claim 35 is derived from cancelled claim 15, amended to now depend on claim 31. Cancelled claim 15 was originally entered as an independent claim having language structure essentially identical to claim 31 followed by the proviso that now forms the element of dependent claim 35. As in claim 34, the range of viscosity in claim 35 has been amended from 0.8-15 centipoise to the correct range of 1.5-8 centipoise whose antecedent is found in the specification on page 10, line 13 in the paragraph before the heading “Method.” The range 0.8 to 15 centipoise is the result of a transcription or typographical error made in the correct range of 1.5 to 8 centipoise.

Claim 36

Claim 36 is derived from cancelled claim 21 amended as follows: (a) the concentration range of propofol is now specified by addition of a lower limit “1%” identified in cancelled claim 1 of the original filed application; and (b) the concentration of the pharmaceutically acceptable water-soluble polyhydroxy tonicity modifier is clarified by addition of the term “in a quantity sufficient to render the final composition isotonic with blood” from the specification on page 9, line 19 in the 5th paragraph under the heading “Composition.” The method is extended to induction of “sedation” described on page 4,

line 47 in the first paragraph under the heading “Problems in the Clinical Use of Commercial Propofol Formulations” and elsewhere in the specification.

Claim 37

Claim 37 is derived from cancelled claim 22, amended to depend now on claim 36 rather than on claim 21. The dependency of claim 37 on claim 36 parallels that of claim 22 on 21.

Claim 38

Claim 38 is derived from cancelled claim 23, amended to depend now on claim 36 rather than on claim 21. The dependency of claim 38 on claim 36 parallels that of claim 23 on 21.

Claim 39

Claim 39 is derived from cancelled claim 24, amended to depend now on claim 36 rather than on claim 21. The dependency of claim 39 on claim 36 parallels that of claim 24 on 21. The range of viscosity has been amended from 0.8-15 centipoise to the correct range of 1.5-8 centipoise whose antecedent is found in the specification on page 10, line 13 in the paragraph before the heading “Method.” The range 0.8 to 15 centipoise is the result of a transcription or typographical error made in the correct range of 1.5 to 8 centipoise.

Claim 40

Claim 40 is derived from cancelled claim 20, amended to now depend on claim 36. Cancelled claim 20 was originally entered as an independent claim having language structure essentially identical to claim 36 followed by the proviso that now forms the element of dependent claim 40. As in claim 39, the range of viscosity in claim 40 has been amended from 0.8-15 centipoise to the correct range of 1.5-8 centipoise whose

antecedent is found in the specification on page 10, line 13 in the paragraph before the heading "Method." The range 0.8 to 15 centipoise is the result of a transcription or typographical error made in the correct range of 1.5 to 8 centipoise.

Claim 41

Claim 41 is derived from cancelled claim 25, amended to depend on claim 31 or 36 rather than on any of cancelled claims 15, 16, 20, or 21. Inadvertent cross dependency has been cancelled by removal of "and" and replacement by "or." The structure of the claim has been converted to Markush format by deletion of "one or more", insertion of the "the group consisting of," separation of the members of the group by commas, and insertion at the end of group of the term "and combinations thereof" which finds antecedent on page 10, line 7 of the specification implied by the term "one or more selected from." The trade-name, Miglyol-810, has been deleted because it is known to be redundant with the generic term "triglycerides of medium chain fatty acids" found on page 10, lines 1-2 in the second paragraph under the heading "Composition."

Claim 42

Claim 42 is derived from cancelled claim 26 amended to depend on claim 31 or 36 rather than on any of cancelled claims 15, 16, 20, or 21. Inadvertent cross dependency has been cancelled by removal of "and" and replacement by "or." The structure of the claim has been converted to Markush format by deletion of "one or more", insertion of the "the group consisting of," extracting individual members of the group from the implied combination separated by "or" in "from vegetable or animal sources", separately listing with repetition in part of descriptor "pharmaceutically acceptable natural triglycerides from animal sources" with respect to these members of the group, deletion of "or animal", separation of the members of the group by commas, and insertion at the end of group of the term "and combinations thereof" implied by the deleted "one or more."

Claim 43

Claim 43 is derived from cancelled claim 27 (containing a group of materials identified only by their trademark terms) combined with cancelled claim 28 (containing a group of materials identified as specific materials or generic materials related to the members of the group of trademark term materials in claim 27), and amended to depend on claim 31 or 36 rather than on any of cancelled claims 15, 16, 20, or 21. Inadvertent cross dependency has been cancelled by removal of “and” and replacement by “or.” The structure of the claim has been converted to Markush format by insertion of “selected from the group consisting of”; by deletion of all “or”; by separating the individual members of the group with commas; by adding the group member “hydrogenated lecithin,” a generic name for trademark names phospholipon-90H and/or -100H from claim 27 as found on page 9, line 13-14 in the third paragraph of the specification under the heading “Composition”; and by terminating the sequence with the term “and combinations thereof” that is implied by the term “one or more” found in the third paragraph under the heading “Composition.”

Claim 44

Claim 44 is derived from cancelled claim 29, amended to depend on claim 31 or 36 rather than on any of cancelled claims 15, 16, 20, or 21. Inadvertent cross dependency has been cancelled by removal of “and” and replacement by “or.” The structure of the claim has been converted to Markush format by insertion of “selected from the group consisting of”; removal of “or”, and termination by “and combinations thereof” that is implied by the term “of a mixture of pharmaceutically acceptable polyhydroxy tonicity modifiers” in the 4th paragraph under the heading “Composition.”

Claim 45

Claim 45 is derived from cancelled claim 30, amended to depend on claim 31 or 36 rather than on any of cancelled claims 15, 16, 20, or 21. Inadvertent cross dependency has been cancelled by removal of “and” and replacement by “or.”

Claim 46

Claim 46 is new, finding antecedent from claim 9 of the originally filed application.

Claim 47

Claim 47 is new, finding antecedent on page 8, line 26 of the specification in the second paragraph below the heading “Composition.”

Claim 48

Claim 48 is new, finding antecedent in the 4th paragraph below the heading “Composition” and in Example 2.

Claim 49

Claim 49 is new, combining the elements of claim 46 (with respect to propofol), claim 47 (with respect to triglyceride of medium chain fatty acids), claim 48 (with respect to mannitol), and claim 43 (with respect to egg lecithin).

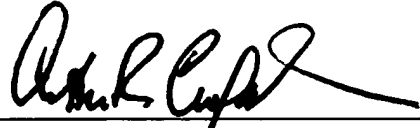
An examination of claims 31-49 is awaited.

MISHRA et al
Serial No. 09/820,371

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Arthur R. Crawford
Reg. No. 25,327

ARC:pc
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100